## CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD SAN FRANCISCO BAY REGION

## ORDER NO. 77-43

## ENFORCEMENT ORDER FOR ISSUANCE OF A TIME SCHEDULE

Order Directing the City of Benicia to Comply with Requirements Prescribed by the California Regional Water Quality Control Board, San Francisco Bay Region, in Order No. 77-42 (NPDES Permit No. CAOO38091).

The California Regional Water Quality Control Board, San Francisco Bay Region, finds that:

- 1. This Board on May 17, 1977, adopted Order No. 77-42 prescribing waste discharge requirements including a compliance time schedule for the City of Benicia (hereinafter "discharger") in accordance with the statutory requirements of the Federal Water Pollution Control Act and the California Water Code. The NPDES Permit contains a compliance date of July 1, 1977, for achieving the secondary effluent limitations as required by the Federal Act.
- 2. The discharger has submitted evidence which documents that the above requirements contained in Order No. 77-42 cannot be achieved. The grant for construction of necessary facilities to meet the requirements was delayed for reasons largely beyond the control of the discharger.
- 3. The discharger has submitted a time schedule by which he can achieve the requirements contained in Order No. 77-42.
- 4. The Board has notified the discharger and interested agencies and persons of its intent to adopt a time schedule for compliance.
- 5. The Board in a public hearing heard and considered all comments pertaining to this discharger's ability to achieve compliance.

IT IS HEREBY ORDERED, that in accordance with Water Code Section 13300 the discharger shall comply with provision E.2.a. of Order No. 77-42 according to the following time schedule:

1. Task	Completion Date	Report of Compliance Due
Status Report	-	July 15, 1977
Submit completed plans and specifications	September 1, 1977	September 15, 1977
Advertize for Bids	October 15, 1977	October 30, 1977
Award construction contract	February 1, 1978	February 15, 1978

Task	Completion Date	Report of Compliance Due
Status Report I on Construction	<del>-</del>	August 15, 1978
Status Report II on Construction	-	February 15, 1979
Status Report III on Construction	<del>-</del>	August 15, 1979
Complete construction	December 1, 1979	December 15, 1979
Full Compliance	January 15, 1980	January 30, 1980

- 2. This order expires on March 1, 1980. This Board declares that it shall not undertake further enforcement action to bring the discharger into compliance with secondary effluent limitations by July 1, 1977 as contained in Order No. 77-42 provided:
  - a. The discharger complies fully with all terms of the time schedule contained in this order;
  - b. The discharger complies fully with all terms of the permit with the exception of the provision E.2.a;
  - c. Circumstances do not occur which would warrant modification of the permit or time schedule; and.
  - d. Circumstances do not occur which would warrant an action under Section 504 of the Federal Water Pollution Control Act.

The action taken by this Board pertaining to the time schedule does not preclude the possibility of actions to enforce the permit by third parties pursuant to Section 505 of the Federal Water Pollution Control Act.

I, Fred H. Dierker, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an order adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on May 17, 1977.

FRED H. DIERKER Executive Officer